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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 21 June 2017 from the Permanent Mission of Albania to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of Albania to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council and has the honour to attach herewith a note verbale dated 19 June 2017 addressed to the member States of the Organization of Islamic Cooperation, for the information of the secretariat and members of the Council.

The Permanent Mission of Albania requests the secretariat of the Human Rights Council to circulate the present note verbale and its annex* as a document of the thirty-fifth session of the Council under agenda item 3.

* Reproduced as received, in the language of submission only.

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Annex to the note verbale dated 21 June 2017 from the Permanent Mission of Albania to the United Nations Office and other international organizations in Geneva addressed to the Secretariat of the Human Rights Council

Note verbale dated 19 June 2017 from the Permanent Mission of Albania to the United Nations Office at Geneva and other international organizations in Geneva addressed to the member States of the Organization of Islamic Cooperation

The Permanent Mission of the Republic of Albania to the United Nations Office and other international organizations in Geneva presents its compliments to the Member States of the Organization of the Islamic Cooperation and has the honour to inform the following regarding the Statement delivered by Pakistan on behalf of the OIC Member States, on the Clustered Interactive Discussion with the Independent Expert on Sexual Orientation and Gender Identity and Special Rapporteur on Summary Executions, in the 35th Session of the Human Rights Council, the 6th of June 2017:

1. We regret that the OIC Group decided to deliver a joint Statement on a subject matter that clearly does not enjoy consensus within the OIC, and that the Group is perpetuating double standards among members of the OIC Group in the Human Rights Council;

2. The Republic of Albania reiterates its concern regarding the modus operandi of the OIC Group in the Human Rights Council, which persist on going forward to co-sponsoring draft resolutions and deliver Group statements "on behalf of the OIC", on issues that do not enjoy consensus within the Group;

3. While we fully understand the sensitivity of the discussions relating to violence and discrimination based to sexual orientation and gender identity, we regret that this practice is selectively applied to a subject that the Republic of Albania has repeatedly expressed that it's not in a position to align itself with the OIC;

4. We recall our Note Verbal prot.No.683 dated 26 September 2014 and No.426 date 27 June 2016, informing OIC member states regarding Albania above mentioned position on the issues of sexual orientation and gender identity;

5. We recall as well that the Republic of Albania has dissociated from the OIC position regarding resolution A/HRC/32/L.2 during the Ministerial Conference of the OIC in Tashkent, October 2016, and in the U.N General Assembly in New York during its 71 Session;

6. The Republic of Albania is a traditional sponsor of resolutions on sexual orientation and gender identity in the Human Rights Council and an original sponsor of the resolution A/HRC/32/L.2 entitled "Protection against violence and discrimination based on sexual orientation and gender identity";

7. The mandate of the Council's Resolution A/HRC/32/L.2 and the work of the Independent Expert within the scope of this mandate, enjoy our full support;

8. The Republic of Albania, is a sovereign country, conducts its foreign policy in accordance with its Constitution and relevant legislation to any subject under consideration.

Our country is observer member of the LGBT Core Group at United Nations in New York and since November 2016 also a member of the Equal Rights Coalition.

At a national level, we have undertaken several legislative reforms, and concrete measures to combat violence and discrimination based on sexual orientation and gender identity:

1. In February 2010 Albania adopted law on "Protection against discrimination" which includes discrimination on the grounds of sexual orientation and gender identity;

2. In December 2012, Albania adopted the "Plan of Measures against Discrimination on Grounds of Sexual Orientation and Gender Identity";

3. In 2013 Albania amended the Criminal Code envisaging gender identity and sexual orientation as aggravating circumstances when committing offences and provide for severe punishments for cases of discrimination on the above grounds;

4. Moreover, the criminal offences on "inciting hatred and conflict" and "denying equality of citizens" were amended by including sexual orientation and gender identity;

5. The Albanian Parliament approved in May 2015 the Resolution "On Protection of Rights and Freedoms of persons belonging to the LGBT community in Albania";

6. On May 2016 was adopted the National Action Plan for the Republic of LGBTI Person 2016-2020. In the framework of this Action Plan, in November 2016 was established National Group for the Implementation and Coordination;

7. National Group for the Implementation and Coordination of Action Plan approved the Annual Working Plan 2017, with the objectives to assess the legislation on this field, to provide capacity building for gender employees and civil servants, and consultations with all stakeholders.

The Republic of Albania would like to emphasize the importance of the principles of universality and non-discrimination, pointing out that human rights are universal and all human beings, irrespective sexual orientation, or gender identity, are entitled to enjoy them.

The obligation of States to protect all individuals from discrimination covers a wide range of grounds, including instances of discrimination on grounds of sexual orientation and gender identity.

It is particularly important that the work of the Council, as the primary UN Body in the field of Human Rights, should be free from politicization and double standards which impede the promotion and protection of Human Rights for all.

For the reasons explained above, we reaffirm to the OIC member states that Albania will not be in a position to give its support to OIC initiatives concerning human rights, that are not in compliance with our national policy and legislation, including sexual orientation and gender identity.